

BEFORE THE FEDERAL ELECTION COMMISSION

2013 FEB -6 PM 3:48

In the Matter of

CELA

John E. Ensign; Michael Ensign; Sharon)
Ensign; Ensign for Senate and Lisa) PRE-MUR 520
Lisker in her official capacity as)
treasurer; Battle Born Political Action)
Committee and Lisa Lisker in her official)
capacity as treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that, at the executive session held on February 05, 2013, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-3 to:

MUR # 6718

- a. Open a MUR in Pre-MUR 520.
- b. Find reason to believe that Michael and Sharon Ensign each violated 2 U.S.C. § 441a(a)(1).
- c. Find reason to believe that John E. Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and the Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer each violated 2 U.S.C. § 441a(f).
- d. Find reason to believe that Ensign for Senate and Lisa Lisker in her official capacity as treasurer and the Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer each violated 2 U.S.C. § 434(b).
- e. Approve the Factual and Legal Analysis for Michael Ensign and Sharon Ensign as recommended in the First General Counsel's Report dated January 18, 2013 with the following edits:
 - i. On Page 17, Line 16, change the word "it" to "a payment."
 - ii. On Page 20, footnotes 74, delete the rest of the language beginning with "Subsequently, in Colorado Republican Federal Campaign Comm. v. FEC."

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- iii. On Page 20, footnote 75, authorize the Office of General Counsel to make the necessary change to cite the final disposition in MUR 5408 (Sharpton).
 - iv. On Page 26, strike Lines 15, 16, 17, and 18 through the phrase "to cover expenses already incurred - and at;" and on Line 19, strike the word "it."
 - v. On Page 26, Line 20 through Page 27, Line 3, strike the sentence beginning "Though it does not fit the asserted pattern."
 - f. Approve the Factual and Legal Analysis for John E. Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer as recommended in the First General Counsel's Report dated January 18, 2013 with the following edits:
 - i. On Page 19, Line 3, change the word "it" to "a payment."
 - ii. On Page 21, footnote 77, delete the rest of the language beginning with "Subsequently, in Colorado Republican Federal Campaign Comm. v. FEC."
 - iii. On Page 21, footnote 78, authorize the Office of General Counsel to make the necessary change to cite the final disposition in MUR 5408 (Sharpton).
 - iv. On Page 28:
 - (1) strike Line 1 beginning with "And, more fundamentally," through "already incurred - and at" on Line 5.
 - (2) on Line 5, strike the word "it."
 - (3) on Lines 6 through 9, strike the sentence beginning "Though it does not fit the asserted pattern."
 - v. On Page 30, Line 2, change the word "expenditure" to "disbursement."
 - g. Enter into conciliation with Michael and Sharon Ensign, John Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer before a finding of probable cause to believe.

h.

i. Approve the appropriate letters.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II, and Petersen dissented. Commissioner Walther was recused and did not vote.

2. Decided by a vote of 4-0 to:

- a. Open a MUR in Pre-MUR 520.
- b. Find reason to believe that Michael and Sharon Ensign each violated 2 U.S.C. § 441a(a)(1).
- c. Find reason to believe that John E. Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and the Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer each violated 2 U.S.C. § 441a(f).
- d. Find reason to believe that Ensign for Senate and Lisa Lisker in her official capacity as treasurer and the Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer each violated 2 U.S.C. § 434(b).
- e. Approve the Factual and Legal Analysis for Michael Ensign and Sharon Ensign as recommended in the First General Counsel's Report dated January 18, 2013 with the following edits:
 - i. On Page 17, Line 16, change the word "it" to "a payment."
 - ii. On Page 20, footnote 74, delete the rest of the language beginning with "Subsequently, in Colorado Republican Federal Campaign Comm v. FEC."
 - iii. On Page 20, footnote 75, authorize the Office of General Counsel to make the necessary change to cite the final disposition in MUR 5408 (Sharpton).
 - iv. On Page 26, strike Lines 15, 16, 17, and 18 through the phrase "to cover expenses already incurred - and at;" and on Line 19, strike the word "it."
 - v. On Page 26, Line 20 through Page 27, Line 3, strike the sentence beginning "Though it does not fit the asserted pattern."

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- f. Approve the Factual and Legal Analysis for John E. Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer as recommended in the First General Counsel's Report dated January 18, 2013 with the following edits:
 - i. On Page 19, Line 3, change the word "it" to "a payment."
 - ii. On Page 21, footnote 77, delete the rest of the language beginning with "Subsequently, in Colorado Republican Federal Campaign Comm. v. FEC."
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 - iv. On Page 28:
 - (1) strike Line 1 beginning with "And, more fundamentally," through "already incurred – and at" on Line 5.
 - (2) on Line 5, strike the word "it."
 - (3) on Lines 6 through 9, strike the sentence beginning "Though it does not fit the asserted pattern."
 - v. On Page 30, Line 2, change the word "expenditure" to "disbursement."
 - g. Enter into conciliation with Michael and Sharon Ensign, John Ensign, Ensign for Senate and Lisa Lisker in her official capacity as treasurer, and Battle Born Political Action Committee and Lisa Lisker in her official capacity as treasurer before a finding of probable cause to believe subject to the following:
 - i.
 - ii.
 - iii.

h.

i. Approve the appropriate letters.

Commissioners Hunter, McGahn II, Petersen, and Weintraub voted affirmatively for the decision. Commissioner Walther was recused and did not vote.

Attest:

February 6, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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